The present divisional is directed to the methods of the unified Groups IV and IX invention. The pending claims are therefore based on those in allowed in the '005 application, but revised to reflect the unified invention of former Groups IV and IX, drawn to prodrug embodiments.

Applicants respectfully request that the preceding amendments to the specification and claims be entered prior to substantive examination of this application. All of the amendments are fully supported by the original parent, related co-pending applications and issued patents and the earlier priority application, to which priority is still properly claimed.

II. Status of the Claims

On filing the present divisional, claims 1, 2, 13-24, 26-28, 32, 33, 40 and 43-45 from the parent application have been cancelled. Claims 3-5, 12, 25, 29, 34, 35, 37, 39, 41 and 46 have been amended to reflect the unified invention of former Groups IV and IX. No claims have been added. Claims 3-12, 25, 29-31, 34-39, 41, 42 and 46 are therefore in the case.

III. Compliance with 37 C.F.R. § 1.121

The claim for priority has been timely introduced into the specification by amendment of the opening paragraph at page 1. Minor amendments are being made to the specification to correct typographical errors and clerical oversights. The amendments to the specification comply with the revisions to 37 C.F.R. § 1.121.

According to the revisions to 37 C.F.R. § 1.121(c), a copy of the pending claims is provided in the amendment section.

IV. Related Applications

The present divisional and '005 application have the same specification as a number of related applications disclosing and claiming particular anti-VEGF antibody and immunoconjugate compositions, kits and methods of use.

Examples of the related applications are U.S. Patent No. 6,342,221 ("the '221 patent"), issued from Application Serial No. 09/561,108 (Attorney Docket No. 3999.002584); U.S. Patent No. 6,342,219 ("the '219 patent"), issued from Application Serial No. 09/561,500 (Attorney Docket No. 4001.002500); U.S. Patent No. 6,416,758 ("the '758 patent"), issued from Application Serial No. 09/561,526 (Attorney Docket No. 3999.002586); and U.S. Patent No. 6,524,583 ("the '583 patent"), issued from Application Serial No. 09/561,499 (Attorney Docket No. 4001.002582).

V. The Claims are Allowable

All method claims of the invention unified from original Groups I, II III, V, VI, VII and VIII in the parent, '005 application have been allowed. The present continuation is directed to the unified invention of former Groups IV and IX, in which anti-VEGF antibodies defined in the same terms are linked to agents that function with prodrugs.

The allowance of all claims in the parent application, supplemented by issuance of the '221, '219, '758 and '583 patents from the same specification, supports a finding of patentability for the present claims, directed to the remaining method claims filed in the parent application. Given that all requirements of patentability have been addressed in the parent and related applications, the present claims should also be free from rejection. The recited methods can be practiced by those of ordinary skill in the art in light of the present disclosure. In particular, see Section G5 of the specification, devoted to ADEPT and prodrug compositions and methods. Applicants therefore respectfully request that the present claims be directly progressed to allowance.

A Terminal Disclaimer is not necessary to secure allowance, as this is a proper divisional application filed in response to a Restriction Requirement entered by the Office under 35 U.S.C. § 121.

VI. Additional Support for the Claims

As described above, the present claims are directed to the unified invention of former Groups IV and IX. Independent claim 5 has thus been revised by including the language of claims 24, 39 and 40. In addition to the claims pending in the parent application, further support for the present claims is set forth below.

Claims 2 and 3 have been revised to depend from claim 5.

Claims 12, 25 and 29 have each been revised to be consistent with claim 5.

In claim 34, the agents "steroid, antimetabolite, anthracycline, vinca alkaloid, antibiotic, cytokine, alkylating agent and coagulant" have been added, as supported by original claim 13.

In claim 35, the term "or a prodrug" has been deleted for simplicity.

In claim 37, "cytostatic or anticellular" agents have been added, as supported by original claim 14.

Claim 39 has been revised to recite a second anti-cancer agent in which the targeting region is operatively linked to a "plant-, fungus- or bacteria-derived toxin", as supported by original claim 15.

Claim 41 has been revised to be consistent with claim 5.

Finally, claim 46 has been revised to match claim 5, but the antibody portion of the immunoconjugate is defined as one that "effectively competes with the monoclonal antibody 2C3 for binding to VEGF". This is an alternative definition of the antibody portions of the immunoconjugates of the present and related applications, as in allowed claims 52, 53 and 54 in the parent application and supported throughout the specification.

It will therefore be understood that no new matter is included within any of the pending claims.

VII. Formalities

Formal drawings are enclosed herewith. The sequence requirements and Applicants' initial duty of disclosure are also met (see paragraphs in the Request for Continuation and enclosed Statement and courtesy copies of sequence listing and 1449s).

No fees should be due in addition to the enclosed filing fees. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/3999.002587.

VIII. Conclusion

In conclusion, Applicants submit that, in light of the foregoing remarks, the present claims are in condition for allowance and an early indication to this effect is respectfully requested. Should Examiner Yaen have any questions or comments, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,
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